

BRAMSON, PLUTZIK, MAHLER & BIRKHAUSER, LLP

Robert M. Bramson (Cal. Bar No. 102006)
2125 Oak Grove Road, Suite 120
Walnut Creek, California 94598
Telephone: (925) 945-0200
Facsimile: 925-945-8792
rbramson@bramsonplutzik.com

(Additional Counsel On Signature Page)

Attorneys for Plaintiff Brenda Gallardo

LATHAM & WATKINS LLP

Viviann C. Stapp (Cal. Bar No. 233036)
505 Montgomery Street, Suite 2000
San Francisco, California 94111
Telephone: (415) 391-0600
Fax: (415) 395-8095
Email: viviann.stapp@lw.com

Mark S. Mester (Ill. Bar No. 6196140) (*pro hac vice*)
Livia M. Kiser (Ill. Bar No. 6275283) (*pro hac vice*)
233 South Wacker Drive
Sears Tower, Suite 5800
Chicago, IL 60606
Telephone: (312) 876-7700
Fax: (312) 993-9767
Email: mark.mester@lw.com
livia.kiser@lw.com

Attorneys for Defendant Aurora Dairy Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**BRENDA GALLARDO, on behalf of herself
and all other similarly situated,**

Plaintiff,

**AURORA DAIRY CORPORATION, d/b/a
AURORA ORGANIC DAIRY,**

Defendant

Case No. 3:07-cv-05331-MMC

**STIPULATION REQUESTING AN
ORDER VACATING THE CASE
MANAGEMENT CONFERENCE
AND ~~PROPOSED~~ ORDER**

1 Pursuant to Civ. L. R. 6-2 and 16-2, Plaintiff Brenda Gallardo (“Plaintiff” or “Gallardo”)
2 and Defendant Aurora Dairy Corporation (“Defendant” or “Aurora”) (collectively, the “Parties”),
3 by and through their attorneys, submit the following as and for this Stipulation Requesting An
4 Order Vacating The Case Management Conference:

5 The above-captioned action is one of nineteen actions filed against Aurora Dairy
6 Corporation, d/b/a Aurora Organic Dairy (“Aurora”) and/or several retailers who sell Aurora’s
7 organic milk. See Dkt # 34 (Aurora Dairy Corporation’s Local Rule 3-13 Notice Of Pendency Of
8 Other Actions Or Proceedings).

9 On February 20, 2008, the Judicial Panel on Multidistrict Litigation (“Multidistrict Panel”)
10 issued an order transferring and consolidating four of those actions -- Freyre, et al. v. Aurora Dairy
11 Corp. (D. Colo.), Still, et al. v. Aurora Dairy Corp. (D. Colo.); Fiallos v. Aurora Dairy Corp. (S.D.
12 Fla.) and Mothershead, et al. v. Aurora Dairy Corp. (E.D. Mo.) -- in the Eastern District of
13 Missouri. See Declaration of Livia M. Kiser (“Kiser Decl.”) ¶ 2, Ex. A (Transfer Order) at 7. In
14 addition, the Multidistrict Panel identified eleven other actions -- including this action -- as
15 “potential tag-along” actions. See id. at 5, n. 1. Accordingly, on February 26, 2008, the Clerk of
16 the Multidistrict Panel issued a Conditional Transfer Order for this and the other previously
17 identified “potential tag-along” actions. See Kiser Decl. Ex. B (Conditional Transfer Order) at
18 10-11. This matter will be transferred pursuant to the Conditional Transfer Order because Plaintiff
19 does not intend to oppose transfer and consolidation. See Kiser Decl. ¶ 4. Accordingly, the final
20 order transferring and consolidating this action will be entered by the Multidistrict Panel shortly
21 after March 12, 2008. See Kiser Decl. Ex. B at 1 (indicating notice of opposition due on or before
22 March 12, 2008).

23 On March 3, 2008, in light of the Conditional Transfer Order entered for this matter, the
24 Parties agreed to stipulate to an order vacating the Case Management Conference currently
25 scheduled for March 14, 2008. See Kiser Decl. ¶ 4. In light of the pending transfer and
26 consolidation of this matter to the Eastern District of Missouri, the Parties agree that the Court
27 should suspend pre-trial matters in this matter. The Parties face a number of near-term deadlines,
28 including conferring and preparing a Joint Case Management Statement and otherwise engaging in

1 pre-trial activities. See Dkt # 33 (Case Management Conference Order). Many of these issues,
2 such as the Case Management Conference implicate judicial and litigant resources. Accordingly,
3 this Court should enter the attached proposed order. See e.g., Good v. Prudential Ins. Co. of Am.,
4 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998) (vacating and ruling *inter alia* that scheduled case
5 management conference be vacated where a “conditional order of transfer has been entered”).

6 **CONCLUSION**

7 For the reasons stated above, the Parties agree and respectfully request that all proceedings
8 in this matter be suspended pending the transfer and consolidation of this matter to the Eastern
9 District of Missouri with the consolidated proceedings In re Aurora Dairy Corp. Organic Milk
10 Marketing and Sales Practices Litigation. The Parties further agree and respectfully request that
11 the Court vacate the Case Management Conference as proposed in the attached order.

12 **ATTESTATION OF SIGNATURE**

13 Concurrence in filing this document has been obtained from each of the other signatories.

14 Dated: March 3, 2008

Respectfully submitted,

15 **DEFENDANT AURORA DAIRY**
16 **CORPORATION**

17 By: /s/Viviann C. Stapp

18 **LATHAM & WATKINS LLP**

19 Viviann C. Stapp (Cal. Bar No. 233036)
20 505 Montgomery Street, Suite 1900
21 San Francisco, California 94111-2562
22 Telephone: (415) 391-0600
23 Facsimile: (415) 395-8095
24 Email: viviann.stapp@lw.com

25 Mark S. Mester (*pro hac vice*)
26 Livia M. Kiser (*pro hac vice*)
27 233 South Wacker Drive
28 Suite 5800 Sears Tower
Chicago, Illinois 60606
Telephone: (312) 876-7700
Facsimile: (312) 993-9767
Email: mark.mester@lw.com
livia.kiser@lw.com
Attorneys for Defendant
Aurora Dairy Corporation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/Robert M. Bramson
Robert M. Bramson

**BRAMSON, PLUTZIK, MAHLER &
BIRKHAUSER, LLP**

Robert M. Bramson, Cal. Bar No. 102006
2125 Oak Grove Road, Suite 120
Walnut Creek, California 94598
Telephone: (925) 945-0200
Facsimile: 925-945-8792
rbramson@bramsonplutzik.com

THE MILLS LAW FIRM

Robert W. Mills, Cal. Bar No. 062154
Harry Shulman, Cal. Bar No. 209908
145 Marina Boulevard
San Rafael, CA 94901-4224
Telephone: (415) 455-1326
Facsimile: (415) 455-1327
harry@millslawfirm.com

**CENTER FOR SCIENCE IN THE PUBLIC
INTEREST**

Stephen Gardner (*pro hac vice* pending)
Director of Litigation
Katherine Campbell (*pro hac vice* pending)
Staff Attorney
The Meadows Building
5646 Milton Street, Suite 211
Dallas, Texas 75206
Telephone: 214-827-2774
Facsimile: 214-827-2787
sgardner@cspnet.org
kcampbell@cspinet.org

Attorneys for Brenda Gallardo

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~PROPOSED~~ ORDER

The Court having considered the Stipulation Requesting An Order Amending The Case Management Schedule and good cause appearing, IT IS HEREBY ORDERED that the request is GRANTED.

The Case Management Conference Order entered on February 27, 2008 shall be vacated pending transfer and consolidation of this matter to the Eastern District of Missouri. PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: March 4, 2008 _____



Maxine M. Chesney
United States District Judge